

Board of Contract Appeals

General Services Administration
Washington, D.C. 20405

June 19, 2001

GSBCA 15536-RELO

In the Matter of LAWRENCE W. WEISHOFF

Lawrence W. Weishoff, Lovell, WY, Claimant.

Edward P. Moy, Manager, Airway Facilities Division, Federal Aviation Administration, Northwest Mountain Region, Renton, WA, appearing for Department of Transportation.

DeGRAFF, Board Judge.

A transferred employee who takes more than three years after the effective date of his transfer to begin his move to his new duty station is no longer eligible for reimbursement of relocation expenses.

Background

In 1995, Lawrence W. Weishoff was employed by the Federal Aviation Administration (FAA). On June 20, 1995, the FAA told Mr. Weishoff that due to an agency reorganization, he would be transferred from Billings, Montana, to Lovell, Wyoming, within the next few years. Billings and Lovell are approximately 100 miles apart. The FAA said that because the transfer to Wyoming would be in the best interest of the Government, the expenses of the transfer would be paid as provided in Department of Transportation (DOT) Order 1500.6.

The FAA transferred Mr. Weishoff to Lovell, Wyoming, effective October 26, 1997, the day he reported for work at Lovell. Although the Federal Travel Regulation (FTR) required the FAA to issue travel orders to Mr. Weishoff when it transferred him, it did not do so. 41 CFR 302-1.3(c) (1997).¹

¹ In legislation that took effect on April 1, 1996, Congress exempted the FAA from large parts of title 5, United States Code, including the provisions of that title concerning reimbursement of relocation expenses. Pub. L. No. 104-50, § 347, 109 Stat. 436, 460 (1995). When Mr. Weishoff was transferred, the FAA had not yet adopted its own travel policy, and

Mr. Weishoff did not move to Wyoming at the time of his transfer. On August 29, 1999, Mr. Weishoff asked that his "eligibility for a [Permanent Change of Station (PCS)] move be extended for (1) one year until 26 October 2000." On September 3, 1999, the FAA informed Mr. Weishoff that his request was "not necessary" because he had two years from the date his travel orders were issued to complete his move, and there was "nothing to extend" because the FAA had never provided him with travel orders. Based upon the FAA's response to his request, Mr. Weishoff concluded that his time limit for moving from Montana had not yet begun to run.

In December 2000, Mr. Weishoff asked the FAA to issue travel orders to him. In February 2001, the FAA told Mr. Weishoff that it could not issue any travel orders because DOT Order 1500.6 provided that the maximum time for beginning allowable travel could not exceed three years from the effective date of an employee's transfer. The FAA suggested that Mr. Weishoff ask us to review his situation, which he did. Mr. Weishoff subsequently informed us that he moved from Montana to Wyoming in late May 2001.

Discussion

When the FAA transferred Mr. Weishoff to Wyoming, both the FTR and DOT Order 1500.6 provided that the maximum time for beginning allowable travel and transportation could not exceed two years from the effective date of an employee's transfer. In certain limited circumstances, the two-year time period could be extended, but not for more than one additional year. 41 CFR 302-1.6; DOT Order 1500.6A ¶ 5-0107. By requiring an employee to begin allowable travel and transportation within a defined period of time after a transfer, the regulations carry out the purpose of the authorizing statute, which is to ensure that the employee is reimbursed for expenses that are incurred incident to the transfer. See Paul W. Gard, Jr., GSBCA 15311-RELO, 00-2 BCA ¶ 31,053.

According to the regulations, Mr. Weishoff had until October 26, 2000, at the latest, to begin his move to Wyoming. Because Mr. Weishoff began his move after that date, he was no longer eligible for reimbursement of relocation expenses.

The FAA realizes that it gave incorrect advice to Mr. Weishoff in September 1999. Nonetheless, the FAA is not bound by the erroneous advice provided to Mr. Weishoff by an FAA employee. Thomas W. Schmidt, GSBCA 14646-RELO, 99-2 BCA ¶ 30,430.

MARTHA H. DeGRAFF
Board Judge

it utilized the Federal Travel Regulation and DOT Order 1500.6.